

## *St. Louis City Ordinance 62688*

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 116

INTRODUCED BY ALDERMAN MARTIE ABOUSSIE

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Third Street between Dorcas Street and Lynch Street in the City of St. Louis, Missouri as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

All of Third (60 feet wide) Street from the southwest line of Lynch (60 feet wide) Street to the northeast line of Dorcas (60 feet wide) Street, City Blocks 765 and 768, City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the northernmost corner of City Block 768; thence along the southeast line of Third (60 feet wide) Street south 52 degrees 58 minutes 32 seconds west, a distance of 558.14 feet to the northeast line of Dorcas (60 feet wide) Street; thence along the northeast line of Dorcas (60 feet wide) Street north 37 degrees 06 minutes 56 seconds west, a distance of 74.98 feet to the northwest line of the aforesaid Third (60 feet wide) Street; thence along the northwest line of said Third (60 feet wide) Street the following courses and distances: Easterly along the arc of a curve to the left having a radius of 15.00 feet, a chord bearing of south 82 degrees 04 minutes 12 seconds east an arc distance of 23.54 feet and a chord distance of 21.20 feet to a point of tangency; north 52 degrees 58 minutes 32 seconds east, a distance of 529.02 feet to a point of curvature; northerly. along the arc of a curve to the left having a radius of 15.00 feet, a chord bearing of north 08 degrees 16 minutes 06 seconds east, an arc distance of 23.41 feet and a chord distance of 21.10 feet to a point of tangency on the aforesaid northeast line of Lynch (60 feet wide) Street; thence along the northeast line of said Lynch (60 feet wide) street south 36 degrees 26

minutes 20 seconds east, a distance of 74.85 feet back to the point of beginning, more or less.

are, upon the conditions hereinafter set out, vacated.

#### SECTION TWO:

Petitioner is AnheuserBusch Companies, Inc. The purpose is to consolidate property to be used for parking.

#### SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

#### SECTION FOUR:

The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

#### SECTION FIVE:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

#### SECTION SIX:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

#### SECTION SEVEN:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

#### SECTION EIGHT:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

#### SECTION NINE:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded. Further, such owner or owners shall within said time. Deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks or driveways, roadway drainage connection and inlets, grading, paving sidewalks and roadways and road signing; providing further the said owners, shall. Under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expenses, but in the event said owners fail to accomplish such within the time and according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller

after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

**SECTION TEN:**

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance One Hundred Twenty (120) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/26/92	06/26/92	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
07/10/92			07/10/92	07/17/92
ORDINANCE	VETOED		VETO OVR	
62688				